

# COMMITTEE ON JUDICIARY

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\* Strike-Everything Amendment  
 [E] Emergency Clause  
 [P 105] Proposition 105 Clause  
 [P 108] Proposition 108 Clause  
 [LIV] Line Item Veto  
 [W/O] Without Emergency Clause  
 [W/S] Without Signature

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**HB 2097 – Chapter 15 – \*pawnshop restitution**

Directs the court to order a defendant to make restitution to a pawnbroker or precious items dealer if the lawful owner of stolen property recovers the property from the pawnbroker or precious items dealer and the defendant is convicted of a violation relating to the stolen property.

**HB 2156 – Chapter 88 – elections; public resources prohibited**

Prohibits this state and all its political subdivisions from using public resources to influence an election and subjects violators to civil penalties. Identifies who may file an action in superior court to enforce the prohibition and ties the manner in which the civil penalties are paid to the office that filed the civil action. Defines *influence an election* and *government-sponsored forum or debate*.

**HB 2157 – Chapter 159 – public declaration; resign to run**

Allows an incumbent to make a formal declaration of candidacy for another office without having been deemed to have offered oneself up for nomination.

**HB 2231 – Chapter 133 – \*exoneration; appearance bonds**

Requires a surety to be relieved of liability on an appearance bond under specified conditions and directs a surety to return the premium and collateral to the guarantor if the surety is relieved of liability due to a government transfer or release.

**HB 2240 – Chapter 208 – small claims division; jurisdiction; limits**

Raises the jurisdictional limit for cases within the small claims division of the justice courts from \$2,500 to \$3,500.

**HB 2245 – Chapter 135 – \*request to leave; criminal trespass**

Determines that a request to leave by a law enforcement officer acting at the request of the person in lawful control of property to have the same legal effect as a request to leave by the property owner for the purpose of criminal trespass in the third degree.

**HB 2305 – Chapter 209 – initiatives; filings; circulators**

Makes numerous changes to the laws governing elections and electors, including the following:

- Creates a rebuttable presumption, in any court challenge to a circulator's eligibility, in favor of a political committee that conducts an arm's length criminal background check on its petition circulators.
- Requires political committees that file petitions with the SOS to organize and group signature sheets.
- Specifies to whom a filing officer must refer a campaign finance violation involving the AG, county attorney or city attorney and applies retroactively.
- States that the time-and-date marked text that accompanies the application for initiative, referendum or recall constitutes the official copy.
- Adds a legislative findings and intent section to the chapters governing initiative, referendum and recalls to declare that the constitutional and statutory requirements be strictly construed and that persons using any of those processes strictly comply with those requirements.
- Prohibits political committees or volunteer organization from collecting early ballots and classifies the violation as a Class 1 misdemeanor.
- Allows the counties to remove any PEVL registrant who has not voted a PEVL ballot in two consecutive voting cycles unless they have reaffirmed their intent to remain on PEVL or if

their records have been sealed. Directs the SOS to implement a statewide public information program.

- Amends the number of signatures required for nomination petitions and alters the basis from which the signatures are to be gathered to the total number of registered voters in the respective district. Validates signatures collected before the effective date.

**HB 2307 – Chapter 94 – postconviction relief; fees**

Removes the 200-hour limit for appointed counsel of postconviction relief proceedings as well as the necessary condition of establishing good cause for additional fees. Authorizes the court's designee to review and approve all reasonable fees and costs.

**HB 2308 – Chapter 26 – probate; omnibus**

Permits probate disputes to be arbitrated prior to the appointment of a fiduciary. Allows the court to require each person who seeks appointment as a guardian or conservator to submit a set of fingerprints for criminal background checks. Specifies requirements related to cost and procedure and exempts licensed fiduciaries and employees of financial institutions from the fingerprint requirement. Modifies when guardians and conservators must submit their written reports to the court.

**HB 2309 – Chapter 55 – criminal offenses; sentencing**

Broadens the applicability of victim's rights to juvenile offenses. Amends sentencing ranges for category one and two repetitive offenders for Class 3 and 6 felonies.

**HB 2310 – Chapter 140 – \*administrative office of courts; evaluation**

Requires the AOC to establish methods and standards to evaluate the effectiveness, efficiency and accountability of mental health courts. Conditions enactment on an appropriation to the AOC.

**HB 2311 – Chapter 19 – \*restitution lien; administrative hearing**

Permits the Director of ADOT to administratively remove a restitution lien from a vehicle record if the seller is an obligor under a restitution lien, the seller sold the vehicle without disclosing that it was subject to a restitution lien and the purchase was made without knowledge that the vehicle was subject to a restitution lien. Requires ADOT to restore the restitution lien on any vehicle that is subsequently titled or registered by the obligor. Requires ADOT to provide notice to the governmental agency that requested the lien, who shall notify any victim for whom restitution was ordered. Prohibits a lien created in favor of the state for fines, surcharges and fees from being perfected against a title.

**HB 2325 – Chapter 123 – personal property; exemptions**

Removes the itemized list of household furniture, furnishings and appliances that are exempt from execution, attachment or sale of the collections process. Specifies that exempted property includes household goods, including consumer electronic devices used by the debtor or debtor's dependent, up to \$6,000. Raises the aggregate value of exempted property related to personal belongings, miscellaneous items, vehicles, tools, equipment of a trade, bank account monies and prepaid rent that may be claimed as a personal property homestead.

**HB 2326 – Chapter 141 – firearms; records; prohibited acts**

Prohibits political subdivisions from requiring or maintaining records containing the identifying information of persons who own or possess a firearm, including transactions involving a federally licensed firearms dealer.

**HB 2327 – Chapter 28 [E] – dangerous drugs; definition**

Defines *dangerous drugs* to include specific chemical configurations that compose synthetic cannabinoids and bath salts and updates Schedule I of the Arizona Uniform Controlled Substances Act.

**HB 2386 – Chapter 97 – utilities; tampering**

Raises the mental culpability standard of tampering with utility property to *intentional* and provides a definition. Modifies the classification of criminal damage as a Class 4 felony to require the intentional tampering with utility property and the damage causes an imminent safety hazard to any person.

**HB 2462 – Chapter 21 – bail bond agents; lists; loitering**

Requires the clerk of the court to monthly update the list of persons authorized to post bail bonds, rotate the names and numbers on the list and transmit the list to the jails electronically. Directs jails to remain open 24 hours every day to accept specified items for the release of a person on bail. Expands the definition of *loitering* to include persons intentionally soliciting bail bond business inside a court or immediately near the entrance of a county or city jail and classifies the violation as a Class 3 misdemeanor.

**HB 2517 – Chapter 213 – domestic violence; arrest**

Establishes a minimum age requirement of at least 15 years before a peace officer is required to make an arrest in domestic violence cases involving a deadly weapon or dangerous instrument.

**HB 2593 – Chapter 98 – \*campaign finance; contribution limits**

Separates the general election from the primary for the purposes of campaign finance. Increases the contribution limit for elections other than for statewide office and removes aggregate contribution limits on the amount a candidate may accept from all political committees and the amount an individual may contribute.

**SB 1089 – Chapter 32 – arbitration bonds; discharge; application**

Specifies that the 2012 legislative changes relating to the transfer of arbitration bond deposits by the clerk of the court to the GF apply to all monies in possession of the county on or after the 2012 general effective date.

**SB 1094 – Chapter 77 – notaries public; impersonation; violation**

Establishes that a person who knowingly acts as or intentionally impersonates a notary while not lawfully commissioned is guilty of impersonating a public servant. Raises the classification of a notary seal vendor who knowingly provides an official seal to a person who does not present a photocopy of the person's notarial commission to a Class 6 felony.

**SB 1175 – Chapter 67 – vulnerable adult; duty**

Establishes that, unless shown otherwise by clear and convincing evidence, a civil action brought by a person in a position of trust and confidence against a vulnerable adult regarding a governing instrument established by the vulnerable adult is presumed not to be for the benefit of the vulnerable adult. Requires the court to find a transaction by a person using a vulnerable

adult's assets to be for the benefit of the vulnerable adult and allows the court to order a person to forfeit their interest in any governing instrument for violations. Defines *for the benefit of the vulnerable adult*, *governing instrument* and *position of trust and confidence*.

#### **SB 1209 – Chapter 245 – minors; tobacco-derived products**

Expands the list of tobacco-related products to include vapor products as they pertain to offenses relating to furnishing tobacco-related products to a minor or the possession of tobacco-related products by a minor. Defines *vapor product* as a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element that can be used to heat a liquid nicotine solution contained in cartridges, but excludes products regulated by the US Food and Drug Administration.

#### **SB 1216 – Chapter 45 – clerk of court; duties; records**

Updates statutory language relating to clerks of the court and population threshold requirements. Modifies information required in renewal affidavits entered by the clerks of the court.

#### **SB 1232 – Chapter 112 – trusts and estates**

Increases the threshold value of a decedent's estate of which a successor may collect debts and real property via affidavit. Allows the court to approve or decline to disapprove a non-judicial settlement agreement, with specified exceptions. Limits when a creditor of a beneficiary may compel a distribution from an estate when a trustee's discretion is purely discretionary or otherwise limited by federal law. Restricts the power by which a settlor who is a trustee of a trust that confers on the trustee a power may make discretionary distributions to or for a beneficiary, in accordance with federal law. Exempts, with certain exceptions, a debtor's interest in a college savings plan under § 529 of the IRC (1986) from execution, attachment or sale.

#### **SB 1233 – Chapter 198 – limited liability companies; ownership interests**

Makes numerous changes to the statutes governing ownership interests in LLCs, including the following:

- Allows, unless otherwise prohibited or restricted in an operating agreement, an LLC ownership interest to be held by two or more people as joint tenants with right of survivorship or by a married couple as community property with right of survivorship.
- Specifies that an assignment or issuance of an interest in a LLC to two or more people creates a tenancy in common, unless the assignment or issuance is to a married couple.
- Delineates the actions by which a joint tenancy with right of survivorship is created.
- Prescribes the method by which a community property with a right of survivorship in an LLC may be created by a married couple.
- Declares that co-owners with an LLC interest as joint tenants with right of survivorship, community property or community property with right of survivorship own an equal undivided interest:
- Allows, with specified limitations, surviving co-owners to succeed to the decedent's interest in the LLC without any action being taken by the LLC.
- States that, unless otherwise provided in an operating agreement, if a co-ownership, held as joint tenants with right of survivorship or community property with right of survivorship, transfers part or all his share of that interest then the right of survivorship is extinguished and a subsequent interest as tenants in common is created.

- Specifies what actions operate to extinguish the right of survivorship in the case of community property with right of survivorship.
- Limits the application of any court order obtained against a co-owner's share to that co-owner's share or portion of the interest and not against the other co-owners.

**SB 1266 – Chapter 246 – illegal dumping; penalties**

Directs persons required to remove illegally dumped trash to provide the city, town or county with documentation of lawful disposal. Adds a mental culpability standard of reckless for illegal dumping violations and an exemption from penalties for persons who immediately remove the illegally dumped trash. Requires at least 50% of any assessed fine or penalty to be used for illegal dumping cleanup. Increases the penalty for knowing criminal littering violations involving certain amounts of litter to a Class 1 misdemeanor.

**SB 1291 – Chapter 182 – \*duty to report abuse; exception**

Adds an exemption from mandatory reporting requirements if a minor is of elementary school age, a physical injury accidentally occurs during the course of typical playground activity on a school day on the premises, the incident is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident. Allows a school to expunge a report in a student's school file on approval of the local school board. Defines *reportable offense*.

**SB 1294 – Chapter 46 – grand jury; length of term**

Increases the maximum term a grand jury in a county with a population of less than 200,000 persons may serve to 180 days.

**SB 1312 – Chapter 222 – tobacco product manufacturers; cigarette machines**

Makes numerous changes to requirements relating to participating and nonparticipating manufacturers of the Tobacco Settlement Fund, including the following:

- Establishes, with certain exceptions, the unlawful use, possession or making available for use of a tobacco product rolling vending machine as a Class 3 misdemeanor. Authorizes DOR to seize and forfeit the machine and all related materials and imposes civil and administrative penalties.
- Defines *units sold* as the number of individual cigarettes sold in the state as measured by collected state tobacco excise taxes and tribal luxury taxes collected by Indian tribes.
- Allows a nonparticipating manufacturer that elects to place funds into a qualified escrow account to make an irrevocable assignment of its interest to the state and outlines the requirements. Permits the withdrawal of funds assigned to the state on the approval by the AG and requires that any such withdrawal be deposited in the Consumer Protection-Consumer Fraud Revolving fund and calculated on a dollar-for-dollar basis as a credit against any judgment or settlement obtained against the manufacturer-assignor.
- Requires a nonparticipating manufacturer to post a bond for the benefit of the state under specified conditions. Stipulates that as a condition of being included in the state directory for that quarter, the nonparticipating manufacturer must post a bond in the prescribed amount. Permits the state to execute on the bond any remaining amount of the escrow due if a nonparticipating manufacturer has failed to make deposits in the full amount. Requires the AG to adopt rules necessary to implement the ability for the state to execute on the bond.
- Requires nonparticipating foreign Manufacturers to provide a declaration from each of its importers that it agrees to joint and several liability for all unpaid escrow deposits and any resulting penalties or judicial relief and to appoint a resident agent for service of process.

- Authorizes the AG to not retain or refuse to include in the directory any nonparticipating manufacturer that fails to comply with the requirements and exempts the AG from rulemaking requirements for one year.

**SB 1314 – Chapter 79 – civil judgments; state; renewal**

Exempts civil judgments obtained by the state from the judgment renewal statutory requirements.

**SB 1346 – Chapter 241 – \*class action; reform**

Requires the court to determine whether class actions are to be maintained as such and permits the court to condition, alter, amend or withdraw its order at any time before the decision on the merits. Permits the court to prescribe measures related to the conduct of the proceedings and representation of the class members and parties. Specifies that a court's certification or refusal to certify as a class action is appealable and entitled to court preference. Directs all discovery and other proceedings to be stayed if an appeal is filed. Applies to actions filed after the effective date.

**SB 1370 – Chapter 80 – municipal franchise elections; rates; estimate**

Requires proposed franchise election ballots to include estimates of projected fees or taxes not related to franchise work or fees.

**SB 1454 – Chapter 254 [P 105] – campaign finance; in-kind contributions; disclosures**

Makes numerous changes to laws governing elections, including the following:

- Extends the timeframes for a political committee to obtain the necessary 500 contributions of \$10 each and maintain its certification status.
- Establishes criteria for emergency polling place designation and modifies procedures for the prohibition of electioneering at emergency polling places.
- Conforms sections of statute related to disclosure statements for independent expenditures by a political committee with disclosure requirements currently required for corporations, LLCs, and labor organizations.
- Expands the definition of *in-kind contribution*.
- Allows, as session law, a municipality to lengthen the term of office for its elected officials to comply with consolidated election dates and exempts local governments whose alternate expenditure limit are expiring from penalties in specified fiscal years so long as they seek voter approval for a new alternate expenditure limit in the next election.
- Establishes the City and Town Approval Voting Study Committee.

Modifies statutes governing HOAs, including the following:

- Prohibits a local government from requiring a developer to establish an HOA as part of a subdivision approval or zoning ordinance or that an HOA be formed for any purpose other than the maintenance of common area or community owned property.
- Specifies lawful actions for the officers and employees of a management company contracted with a HOA.

Establishes statute governing property rental in a HOA.